



EUROPEAN ANTI-FRAUD OFFICE

Directorate D: Policy

Director

Mr Aris KOLIMATISIS

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Brussels

ARES/C4/MM/im/(S)(2013)3911996

**Subject: Your e-mails of 5 October, 20 November and 29 November 2013
- Request for access to documents, Ljam/976**

Dear Mr. Kolimatsis,

I refer to your email dated 5 October 2013 requesting access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents. We wish to apologise for failing to respond to your request before now, due to administrative difficulties.

1. SCOPE OF THE REQUEST

In your e-mail of 5 October 2013, you wrote:

"The requested documents regarding COM(2006) 866 are listed below:

1. *The documents the lead service drew up in the framework of the inter-services consultations [sic] (for example meeting minutes or notes to the attention of Directors-General and other senior officials).*
2. *The draft text of the proposed Regulation as it stood at the very end of the inter-services consultations.*
3. *The document(s) setting out the opinions and recommendations of the Legal Services regarding COM(2006) 866, prior to the initiation of the written procedure to duly adopt the proposal for the Regulation.*
4. *The proposal of the Member of the Commission to the College to adopt the COM(2006) 866.*
5. *The favourable opinion of the Legal Services (or equivalent document) accompanying the proposal under (4) above.*
6. *Any other preparatory documents placed at the disposal of the College in the framework of COM(2006) 866.*

¹ OJ L 145 of 31.05.2001, page 43



7. *A copy of the day note regarding COM(2006) 866 that was drawn up according to the Commission's rules of procedure, which appears to be one of the documents SEC(2007)2.*
8. *A copy of the internal document (drawn up by the Secretariat-General) accompanying the dispatch of the day note regarding COM(2006) 866 (apparently SEC(2007) 2) to the Directorates-General concerned, as prescribed by the Commission's rules of procedure and annexes thereto.*
9. *The documents drawn up by the Commission services, or other concerned third parties (e.g. a Member State), and dispatched to the European Data Protection Supervisor - EDPS by the Commission services regarding COM(2006) 866, including cover letters or equivalent.*
10. *The internal documents (if any) drawn up by the OLAF Data Protection Officer regarding COM(2006) 866.*
11. *Any documents drawn up by the Commission services and dispatched to third parties other than the EDPS (e.g. Member States, Article 29 Data Protection Working Party of Directive 95/46/EC) in the framework of consultations (if any) regarding COM(2006) 866."*

2. DOCUMENTS IDENTIFIED AND DISCLOSABLE

Having carefully assessed your request, OLAF has identified and can provide you with the following documents:

1. The documents that the lead service drew up in the framework of the inter-service consultation (see Annex 1).
2. The draft text of the proposed Regulation as it stood at the very end of the inter-services consultation (see Annex 2).
3. The document(s) setting out the opinions and recommendations of the Legal Service regarding COM(2006) 866.

Please find an opinion from the European Commission's Legal Service submitted during the inter-service consultation (Annex 3a), the draft proposal (Annex 3b) and an opinion from the European Parliament's Legal Service (Annex 3c).

4. The proposal of the Member of the Commission to the College to adopt the COM(2006) 866 (see Annex 4).
5. The favourable opinion of the Legal Service (or equivalent document) accompanying the proposal under (4) above.

Please see documents under point 3 above.

6. Any other preparatory documents placed at the disposal of the College in the framework of COM(2006) 866 (see Annex 5).
7. A copy of the day note regarding COM(2006) 866 that was drawn up according to the Commission's rules of procedure, which appears to be one of the documents SEC(2007)2.

OLAF was only able to find one document (see Annex 6).

8. *A copy of the internal document (drawn up by the Secretariat-General) accompanying the dispatch of the day note regarding COM(2006) 866 (apparently SEC(2007 2) to the Directorates-General concerned, as prescribed by the Commission's rules of procedure and annexes thereto (see Annex 7).*
9. The documents drawn up by the Commission services, or other concerned third parties (e.g. a Member State), and dispatched to the European Data Protection Supervisor - EDPS by the Commission services regarding COM(2006) 866, including cover letters or equivalent (see Annex 8).
11. Any documents drawn up by the Commission services and dispatched to third parties other than the EDPS in the framework of consultations regarding COM(2006) (see Annex 9).

OLAF was not able to identify any documents in response to point 10 of your request:

10. The internal documents (if any) drawn up by the OLAF Data Protection Officer regarding COM(2006) 866.

3. CONFIRMATORY APPLICATION


We believe that the attached documents fully satisfy your request. However, should you wish to make a confirmatory application in order for OLAF to review its position, please note that you can do so in accordance with Article 7(2) of Regulation (EC) No 1049/2001. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Your attention is drawn to the privacy statement concerning the transfer of personal data below.

Yours sincerely,



Margarete HOFMANN

Enclosures

Annex 1, Annex 2, Annex 3a, Annex 3b, Annex 3c, Annex 4, Annex 5, Annex 6, Annex 7, Annex 8, Annex 9

Privacy statement

Pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, please be informed that your personal data are stored in OLAF's electronic and paper files concerning this matter for the purposes of carrying out OLAF's investigative activity. The categories of your personal data being processed are identification data, professional data, and case involvement data. Your data may be transferred to other EU institutions, bodies, offices and agencies, competent Member State and third country authorities and international organisations. Your data will be stored for a maximum of 20 years.

You have the right to access those data and to correct and complete them. On request and within three months from the receipt of your request, you may obtain information concerning your personal data which we have processed. Any such request should be addressed to the Controller (OLAF-FMB-data-protection@ec.europa.eu). You may lodge a complaint concerning the processing of your personal data with the European Data Protection Supervisor (edps@edps.europa.eu) at any time.

The complete privacy statements for this and all other OLAF personal data processing operations are available at http://ec.europa.eu/anti_fraud.